

**MINUTES  
TOWN COUNCIL MEETING  
TUESDAY, SEPTEMBER 8, 2009 AT 6:30 PM\*  
RICHARD E. MASTRANGELO CHAMBER  
ADMINISTRATION BUILDING**

- 1. ROLL CALL:** A regular meeting of the Town Council was called to order at 6:30 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Angeline B. Kounelis, Jonathan Hecht, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.
- 2. EXECUTIVE SESSION: 6:30 PM** Councilor Sideris moved to go into executive session in order to discuss strategy with respect to litigation and collective bargaining, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.
- 3. RETURN TO OPEN SESSION: 7:15 PM**
- 4. PLEDGE OF ALLEGIANCE**

There was a Moment of Silence for Ms. Joan Tuttle.
- 5. ACCEPTANCE OF MINUTES: August 11<sup>th</sup>.** Councilor Sideris moved to accept the minutes, seconded by Councilor Lawn and adopted by voice vote.
- 6. PUBLIC FORUM:** The Chair recognized Watertown Youth Hockey Coach Jay Hughes. Mr. Hughes introduced his team and thanked the Council for monies received from the Watertown/Harvard/ONeil Fund. The Chair thanked the hockey players for not only being dedicated students and athletes, but for being civic minded citizens. The Chair noted their volunteerism and commitment to community.

## **7. PUBLIC HEARING AND VOTE:**

- a) Public hearing and vote on a petition by NSTAR to relocate pole #34/7 at the easterly side of Acton Street in order to provide overhead electric service to Rosedale @ Acton Street. The Chair recognized NSTAR representative Jacklyn Duffy and Superintendent Gerald S. Mee, Jr., who stated that the petition is a formality and due to street reconstruction on Pleasant Street. The Chair opened up the hearing to the public. There being no comments, the hearing was closed. Councilor Sideris moved to approve the petition, seconded by Councilor Devaney and adopted by voice vote.
- b) Public hearing and vote on a petition by NSTAR to relocate pole #16/66A and install anchor guy to Pleasant Street in order to provide overhead electric service. Mr. Mee stated that the petition again is a formality and due to street reconstruction on Pleasant Street. The Chair opened the hearing up to the public. There being no comments, the hearing was closed. Councilor Devaney moved to approve the petition, seconded by Councilor Sideris and adopted by voice vote.

## **8. COMMITTEE REPORTS:**

- a) Committee on Public Works report on street and sidewalk policy – Susan G. Falkoff, Chair. Councilor Falkoff read the committee report (attached). It was noted that a draft ordinance regarding a street and sidewalk policy was reviewed and will continue to be reviewed by the Planning Director. Councilor Sideris moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote. The Chair recognized Mr. Russ Arrico, Fayette Street, who stated that inadequate funding of road repairs are leading to impassable streets. He further indicated that granite curbs are an extravagant expense and unnecessary.
- b) Committee on Economic Development and Planning report and action on the appointment of Fergal Brennock to the Planning Board to a three year term – Jonathan Hecht, Chair. Councilor Hecht stated that the committee met earlier this evening to interview Mr. Brennock. Members were impressed with Mr. Brennock's experience as an engineer and with his prior work on the Police Building Committee. Following the interview process, the Committee unanimously voted to recommend his appointment to the full Council. Councilor Falkoff moved to appoint Mr. Brennock to fill an unexpired term, seconded by Councilor Sideris and adopted by voice vote.

- c) Ad Hoc Charitable Committee report and action on an Emergency Funding Request – Mark S. Sideris, Chair. Councilor Sideris provided a brief update noting that his committee met to discuss a pending emergency funding request that will be continued to a future meeting. Councilor Sideris indicated that no action was taken on the matter.
- d) Committee on Personnel & Town Organization report and action on the re-appointment of Mr. Joseph Darby to Board of Assessors to a three year term – Stephen P. Corbett, Chair. Councilor Corbett read the committee report (attached). It was noted that the Committee unanimously voted to recommend Mr. Darby to the full Council. Councilor Hecht moved to accept the report, seconded by Councilor Sideris and adopted by voice vote. Councilor Corbett moved the reappointment of Joseph Darby, seconded by Councilor Devaney and adopted by voice vote. Councilor Devaney, for the record, thanked Mr. Darby for his honesty and professional manner and his many years of service.

#### **9. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS AND EMPLOYEES:**

- a) Informational Presentation on Patriot Day 2009 Observance, September 11<sup>th</sup> - Robert Erickson, Veteran's Service Officer. The Chair recognized Mr. Erickson who provided a brief review of the itinerary for Patriot Day 2009.

Following up on comments made by the Chair, Mr. Erickson thanked the members of the Youth Hockey Team for volunteering to place flags at gravesites at St. Patrick's cemetery.

Councilor Devaney thanked Mr. Erickson. The Chair thanked Committee members as well.

#### **10. MOTIONS, ORDERS AND RESOLUTIONS:**

- a) Resolution reappointing the Council Clerk to a three year term. Councilor Piccirilli, citing Rule 8.5 moved to refer the reappointment to the Committee on Personnel and Town Organization. The Chair requested a legal opinion on the matter. Attorney Reich stated that Rule 8.5 generally refers to appointments made by the Town Manager. He indicated that the Home Rule Charter specifically makes a provision for the Council

Clerk's appointment and that there is no direct obligation to send it to Committee. The Chair noted that this would be consistent with past practice as well. Councilor Falkoff moved to reappoint Valerie Papas to a three year term expiring on August 31, 2012, seconded by Councilor Sideris. Councilor Kounelis stated that she strongly recommends sending the reappointment to Committee citing the lack of a current job description. The reappointment of Ms. Papas was adopted by voice vote with Councilor Kounelis voting no.

b) Resolution authorizing a transfer in order to fund an Agreement with the Police Supervisors Association covering the period of July 1, 2009 – June 30, 2010. The Chair recognized the Town Manager who reviewed the details of the transfer. Councilor Hecht thanked the parties involved in the Agreement as it was a difficult situation that required compromise and accommodation on both sides. Councilor Devaney thanked the Police Association for their compromises. The Chair concurred and noted that the police supervisors association was willing to compromise and their efforts are much appreciated by the Council. Councilor Devaney moved the resolution, seconded by Councilor Falkoff and adopted by unanimous roll call vote.

c) Council consideration to allow homeowners to deduct MWRA water and sewer assessment from their income tax – Marilyn M. Petitto Devaney. The Chair noted that he would like to establish an Ad Hoc Committee to discuss the matter and come back with a report no later than December 8<sup>th</sup>. The Chair proposed that Councilors Devaney and Corbett will serve alongside Mr. Loughlin, Mr. Mee and Attorney Reich. The Chair requested a motion to establish the proposed committee. Councilor Devaney moved the matter, seconded by Councilor Corbett and adopted by voice vote. The Chair recognized Councilor Devaney who read a statement regarding income tax relief for water/sewer bills (attached). Councilor Devaney also read an excerpt from her proposed resolution (attached).

d) Vote to prohibit councilors the use of blackberries, cell phones and similar electronic devices at all Town Council meetings – Marilyn M. Petitto Devaney. The Chair recognized Councilor Devaney who read and moved the resolution. Councilor Sideris seconded the resolution for discussion purposes only. Councilor Sideris stated that he does not disagree with the purpose of the resolution, however, he noted that it is his opinion that a formal resolution is not necessary in that councilors are capable of conducting themselves in a professional manner. It was stated that perhaps the Chair can announced prior to each meeting, that all cell phones be turned off.

Councilor Piccirilli concurred with Councilor Sideris and spoke against the resolution indicating that the Council can police itself and that this is more of a house cleaning issue and should not be a resolution. He further stated that it is the duty of the presiding officer, to maintain decorum at meetings. Councilor Devaney stated that it is a simple resolution that says we respect each other. She noted that she knows how this goes, and this is an old boy vote. The Chair indicated that he has not witnessed the use of cell phones or blackberries interfering with the work of the Council and he does not see the need for a resolution. Councilor Falkoff stated that she is not an old boy, and she is not in favor of the proposed resolution. Upon a roll call vote, the resolution was defeated 1-8 with Councilor Devaney voting in favor.

Councilor Sideris moved to Suspend the Rules in order to take up a late agenda item, seconded by Councilor Piccirilli and adopted by voice vote. The Chair noted that President's Report was inadvertently omitted from the agenda. He stated that as part of the President's Report he would like to note that he is in possession of a CD from the Transportation Department that will be sharing with Councilors.

#### **11. COMMUNICATIONS FROM THE TOWN MANAGER:**

- a) Request for Confirmation of appointments to the Board of Appeals.

Councilor Sideris moved to refer the appointment to Committee, seconded by Councilor Hecht and adopted by voice vote.

- b) Request for Confirmation of reappointments to the Planning Board.

Councilor Sideris moved to refer the reappointments to Committee, seconded by Councilor Hecht and adopted by voice vote.

The Manager noted that Fire Chief Mario Orangio has been appointed to the Fire Training Council as full member by Governor Patrick.

The Manager indicated that the Town has received a grant for Planning Assistance for Green Communities.

The Manager stated that there will be a special election on December 8<sup>th</sup> due to the death of Senator Edward Kennedy. The Manager stated that he would be remiss if he did not mention Senator Kennedy's assistance to the Town of Watertown in reaching an agreement with Harvard University with respect to the \$480 million dollar pilot program.

#### **12. REQUESTS FOR INFORMATION**

Following up on the special election, Councilor Kounelis stated that the December meeting of the Council cannot be on the same night as an election.

Councilor Kounelis requested that Councilors receive the cell phone and blackberry numbers of various town cell phones that have cost the town \$32,000. She urged the Manager to look at consolidating costs and minutes.

### **13. ANNOUNCEMENTS**

Councilor Devaney announced that she attended a Traffic Commission meeting earlier today regarding BJ Wholesale in Waltham and noted Waltham's zoning flaws and her concern with BJ's coming to Waltham at the detriment of Watertown.

Councilor Lawn indicated that he also attended the meeting and has been involved in the issue for several months over traffic concerns and truck routes. He noted that Chief Deveau has been involved in talks with the Waltham Police Chief. He indicated that he will be providing an update in several weeks.

Councilor Devaney announced an upcoming Founding Father's event. Councilor Hecht noted that the event will take place on Thursday in Boston, Friday in Dorchester and Saturday in Watertown.

### **14. PUBLIC FORUM – none noted.**

**15. ADJOURNMENT** There being no further business to come before the Council, Councilor Falkoff moved to adjourn the meeting at 9:00 pm, seconded by Councilor Hecht and adopted by unanimous vote.

**I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on September 22, 2009 by voice vote, as written.**

**Clyde L. Younger, Council President**